

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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| In the Matter of                       | ) |                    |
|  | ) |                    |
| Ramsey Emergency Services, Inc.        | ) |                    |
|  | ) | Docket No. 04-0406 |
| Application for a certificate of local | ) |                    |
| authority to operate as a provider of  | ) |                    |
| telecommunications services in all     | ) |                    |
| areas in the State of Illinois.        | ) |                    |

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EXCEPTIONS OF APPLICANT,  
RAMSEY EMERGENCY SERVICES, INC.

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Ramsey Emergency Services, Inc.  
By its counsel:

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December 14, 2004

Comes Now the Applicant, Ramsey Emergency Services, Inc. (“RES”) and, in accordance with Section 200.830(b)(2) of the Illinois Commerce Commission (“Commission”) Rules of Practice, submits the follow Exceptions to the Proposed Order of the Administrative Law Judge in this docket, issued on November 30, 2004. The Exceptions noted are cross-referenced to the arguments raised in Applicant’s Brief on Exceptions, filed of even date herewith.

/S/

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| <b>Application for a certificate of local</b>   | : | <b>04-0406</b> |
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| <b>telecommunications services in all areas</b> | : |                |
| <b>in the State of Illinois.</b>                | : |                |

**ADMINISTRATIVE LAW JUDGE’S PROPOSED ORDER**

By the Commission:

On May 20, 2004, Ramsey Emergency Services, Inc. (“Applicant” or “Ramsey”), filed a verified application with the Illinois Commerce Commission (“Commission”) pursuant to Sections 13-403 of the Public Utilities Act (“Act”) for a Certificate of Interexchange Service Authority to provide interexchange facilities-based telecommunications services in Illinois; pursuant to 13-404 for a Certificate of Service Authority to provide resold local and interexchange telecommunications services in Illinois; and pursuant to 13-405 for a Certificate of Exchange Service Authority to provide local facilities-based telecommunications services in Illinois. Applicant also seeks waivers of 83 Illinois Administrative Code Parts 710, 735, 735.180, 725.205(a)(6), 725.205(d), 725.210(e) and 725.500(o). [Applicant’s Brief on Exceptions, II, p.4]

Pursuant to notice given in accordance with the rules and regulations of the Commission, this matter came on for hearing before a duly authorized Administrative Law Judge of the Commission at its offices in Chicago, Illinois on September 14, 2004. Petitions for Leave to Intervene were filed by Illinois Bell Telephone Company (SBC Illinois) and St. Clair County Emergency Telephone System Board (“St. Clair”). Both petitions were granted. All parties were represented by counsel. Applicant presented the direct, rebuttal, and surrebuttal testimony of Michael L. Ramsey, President and Chief Executive Officer, and the rebuttal testimony of Mark Hixson, Chief Financial Officer. Staff presented the direct testimony of Robert F. Koch and Marci Schroll of the Telecommunications Division. SBC presented the direct and rebuttal testimony of Bernard Eugene Valentine, Director of 9-1-1 Customer Service for SBC Midwest Business Communications Services. St. Clair presented the direct testimony of Norman Forshee, 9-1-1 Coordinator. At the conclusion of the hearing on September 14, the record was marked “Heard and Taken”.

## Applicant's Position

### Testimony of Mr. Ramsey

Mr. Ramsey testified that Applicant is an Iowa corporation authorized to transact business in Illinois, and seeks specifically to provide competitive E9-1-1 services to County Emergency Telephone Service Boards ("ETSB") and Public Safety Answering Points ("PSAP") in individual counties in Illinois. Applicant does not seek to provide services to consumers. Applicant has the technical, financial, and managerial resources and abilities to sustain its operations in Illinois, as exemplified by the identical services it has provided in Iowa, Missouri, and Nebraska for the past several years. Applicant will contract directly with ETSBs and PSAPs to provide services and it will construct network facilities and purchase underlying lines from incumbent local exchange carriers ("ILECs"), as needed in each particular circumstance. Where the economics of a particular system does not justify constructing network facilities, [Applicant's Brief on Exceptions, III.F.] Applicant intends to purchase, on an unbundled network element (UNE) basis, A links and B links from underlying ILECs, primarily SBC Illinois, Verizon, and other facilities-based carriers in Illinois. Mr. Ramsey testified that while Applicant has not previously purchased UNEs itself, it facilitated such purchases for Iowa Telecom. Applicant will construct facilities in Illinois for all of its maintenance and customer service, and in order to host selective router and DBMS facilities. He added that while Applicant may be the first company to request certification as a competitive E9-1-1 provider, there is no law proscribing such competition. He said that the Telecommunications Act of 1996 did not provide an exception for competition in E9-1-1 services, despite the fact that such services were offered in various parts of the country at the time the law was enacted.

Mr. Ramsey testified that Applicant had submitted the resumes of Mr. Ramsey and Mr. Hixson to support its claim that it has the requisite managerial resources to provide the proposed services. Applicant further argued that it has the necessary technical ability to offer 9-1-1 service. Mr. Ramsey testified that Applicant disclosed to Staff in a data request response that it was already providing technical support 24 hours per day, seven days per week for existing ETSB and 9-1-1 customers. Applicant also provides 9-1-1 database management in five Iowa counties and has provided E9-1-1 delivery to CPE for 53 PSAPs in 39 ETSBs in four other states. Mr. Ramsey added that Applicant also intends to invest in a full service maintenance facility for its customers.

Applicant asserted that it has the requisite financial ability to provide the proposed services. In support, it supplied an Income Statement, Balance Sheet, Retained Earnings Statement, Cash Flow Statement, and Notes to Financial Statements as of September 30, 2003, as well as supplemental financial reports dated June 30, 2004. Mr. Ramsey pointed out that Applicant provided pro forma financial projections and its business plans to Staff as additional evidence of its

ability to compete. In response to Staff's concern that, because of public safety considerations, a competitive provider of 9-1-1 services must have a very healthy financial outlook, Mr. Ramsey testified that Applicant had provided such data to Staff to demonstrate it was financially sound. While he acknowledged Staff's concern that the failure of 9-1-1 services could have disastrous consequences for a community, he pointed out that it was unreasonable for Staff to apply a lower standard to CLECs who sell or resell voice services to various types of industries, because interruption of those services could have equally severe consequences.

Mr. Ramsey testified that Applicant has the requisite financial resources and abilities to provide service without the higher standard of a surety bond. He stated that it would be unreasonable to require Applicant to post a surety bond with each customer because it would place a burden on Applicant's market entry that is anti-competitive and contrary to federal intent to foster and promote competition in the industry. Mr. Ramsey added that the bond requirement is also unworkable because it would require Applicant to negotiate with Staff concerning the amount and other terms. He asked hypothetically what recourse Applicant would have if it could not agree with Staff on some or all of the terms. Staff's requirement would also indefinitely delay Applicant's entry into the market at substantial cost. Mr. Ramsey pointed out that other 9-1-1 providers are not required to post surety bonds with their customers and requiring Applicant to do so would be discriminatory and chill competitive development. He added that ETBs and LECs are the authorized agencies charged with providing and maintaining 9-1-1 systems and it is their right to contract with whomever they choose to provide services, upon such terms they consider appropriate. [Applicant's Brief on Exceptions, V.A.] They are also the proper party to evaluate the level of risk in contracting with Applicant and take whatever steps they deem necessary for their protection. Furthermore, imposition of a bond requirement would call into question Applicant's financial stability, thereby impeding its ability to market itself to customers.

Mr. Ramsey explained that Staff's suggestion of a surety bond and a separate docket proceeding to investigate the propriety of competitive 9-1-1 services was predicated upon its concern over the consequences if Applicant could not sustain its operation. He said that such concerns are addressed by the Act, citing Section 13-406 (220 ILCS 5/13-406), requiring 30-days notice to the Commission and all affected customers before ending service, and Section 4-501 (220 ILCS 5/4-501), providing for appointment of a receiver with as little as three days notice. Mr. Ramsey also testified that to prevent Applicant from conducting business until completion of a separate docket would be unfair and financially burdensome.

Mr. Ramsey testified that that the selective router used by Iowa Telecom supports, not services, over 280,000 customers. He said that the number of customers supported is important because the size of the router is significant evidence of Applicant's familiarity with the technical requirements to operate and

maintain a selective router. Mr. Ramsey added that for four years, Applicant provided all maintenance of the selective router hardware and software, including database management, in Marion County, Iowa, and also ordered E9-1-1 trunking on behalf of the Iowa counties Applicant served. These are the same services Applicant proposes to offer in Illinois. Mr. Ramsey stated that Applicant provided database management in five Iowa counties and has provided E9-1-1 delivery to CPE for 49 PSAPs in 33 ETSB organizations in four states.

Mr. Ramsey denied that Applicant had billed telecommunications carriers in Iowa for services that should have been provided at no cost. He asserted that Applicant did not charge for MSAG bump-up validations, for transmitting MSAG file loads to Iowa Telecom, or for providing 19 full and partial MSAG loads to Lucas, Kossuth, Winnebago, and Marion Counties on various dates for a two-year period. Mr. Ramsey explained that Iowa Telecom and Intrado were unable to resolve discrepancies in their MSAG, which occur when street addresses or ranges are incorrect in a file. Applicant's software solved the problem, providing an accurate file, and the counties being served authorized Applicant to charge for correcting the files after being asked repeatedly for the same information.

Mr. Ramsey testified that SBC's witness had supplied a very simplified list of functional components that omitted the Selective Router to PSAP trunking, or B-link. SBC's witness also should have included database management, which encompasses updates, daily maintenance, and historical management, and Automatic Location Identification delivery. Service ordering and provisioning, which is a record exchange, is done by LECs who transmit customer information to the E9-1-1 database manager. Private Switch/Automatic Location Identification service ("PS/ALI") could have been more accurately described as record management. Mr. Ramsey asserted that Applicant has provided each functional component described by SBC's witness for 9-1-1 service providers in Iowa.

Regarding contingency plans in the event of service interruption, Mr. Ramsey testified that Applicant stated in its reply to Staff Data Request 1.03 that it will perform regular backups and provide redundant facilities to reroute 9-1-1 calls, the same technique providers currently use. Mr. Ramsey sponsored Applicant's Exhibit 3.4, High Risk & Outage Restoral Procedures provided in response to Staff Data Request 1.03, and in which the issue was more completely explained.

Mr. Ramsey testified that transitioning 9-1-1 services from SBC Illinois to Applicant would not be an issue unless SBC Illinois refused to cooperate. Transitioning database management from the previous provider to Applicant has already occurred in the five Iowa counties it serves. Applicant's reply to Staff Data Requests 1.15 and 1.16 (Staff Exhibit 2.01) describe how the transition will be handled.

Mr. Ramsey testified that Applicant has actual experience in providing service to split exchanges in Marion County, Iowa, where Iowa Telecom is the LEC and Qwest provides the router. He said that Applicant would be able to deliver E9-1-1 trunk tandem transfers. Applicant answered Staff's questions concerning service to split exchanges in a general manner because the system architecture will vary with each location. Otherwise, Applicant would have to describe each split exchange delivered to a PSAP. Also, Applicant will be contracting with ETSBs to provide service and will have the opportunity design system architecture to accommodate split exchanges.

Mr. Ramsey testified that Applicant has demonstrated the technical expertise to design, configure, implement, manage, and maintain existing 9-1-1 infrastructures. Applicant is also ready to deploy modern technology and architecture to improve 9-1-1 service. He added that standards promulgated by the National Emergency Number Association ("NENA") apply. He testified that Applicant is compliant with all NENA standards, while SBC and many other ILECs, are not. [Applicant's Brief on Exceptions, IV.B.] The NENA data exchange standards would cover the transition of existing 9-1-1 data from the current provider to Applicant, and the NENA Master Glossary of 9-1-1 Terminology would ensure that communications are consistent in dealing with the various stakeholders in a cut-over.

Mr. Ramsey testified that Applicant also seeks waivers of 83 Illinois Administrative Code Parts 710, 735, 735.180, 725.205(a)(6), 725.205(d), 725.210(e), and 725.500(o).

#### Testimony of Mark Hixson

Mr. Hixson testified that Applicant filed with Commission Staff a Balance Sheet, Income Statement, Retained Earnings Statement, Cash Flow Statement, and Notes to Financial Statement, dated as of September 30, 2003, and updated financial reports, dated as of June 23, 2004, prepared by Applicant's Certified Public Accountants. [Applicant's Brief on Exceptions, III.B.] He sponsored Applicant's Exhibit 5.2, Pro Forma Projections of Income and Expenses, and Applicant's Exhibit 5.3, a Business Plan, as supplemental evidence of the sufficiency of Applicant's financial resources.

Mr. Hixson testified that the Applicant provided Staff with the Applicant's chart of accounts, that it maintains its accounting records in accordance with Generally Accepted Accounting Principles, and that the Certified Public Accountants regularly employed by the Applicant will assist in maintaining the Applicant's records in accordance with the July, 2003, "Working Copy of the Uniform System of Accounts for Telecommunications Carriers in Illinois." Mr. Hixson sponsored Applicant's Exhibit 5.1, a letter from Koller & Company, LLP, the Applicant's Certified Public Accountants, confirming his representations with regard to the

maintenance of Applicant's books and records. [Applicant's Brief on Exceptions, III.B.]

Mr. Hixson testified that the services Applicant proposes to offer involve much less capital investment and financial risk than the services offered by a facilities-based CLEC. Applicant plans to purchase one or more selective routers and build or acquire an infrastructure tailored specifically to E9-1-1 services. He added that Applicant has confirmed a \$500,000 line of credit with the provider of the selective router and has an \$895,000 credit facility with Capital One, final approval of which is contingent upon the issuance of certificates in this docket. Applicant has also applied for a \$250,000 line of credit with its bank and is ready and able to purchase the selective router and other equipment. Mr. Hixson sponsored Applicant's Exhibit 5.4, a letter from CML Emergency Services, Inc., the provider of the selective router, confirming that RES has conducted business with them since 1996 and that RES has a line of credit for the purchase of a selective router in the amount of \$500,000. [Applicant's Brief on Exceptions, III.B.]

Mr. Hixson testified that Applicant's services are limited, unlike a traditional CLEC that offers a wide range of consumer services and therefore needs more capital investment in infrastructure and network facilities. Also, since Applicant will have fewer customers than a CLEC, it will have a smaller risk of uncollectible receivables and will invoice far fewer LECs or governmental units, creating a much more stable financial environment than that of a CLEC.

#### Staff's Position

#### Testimony of Mr. Koch

Mr. Koch testified that he was responsible for evaluating the Applicant's financial qualifications. Mr. Koch testified that typically, an applicant must submit a balance sheet and income statement reflecting sufficient cash to transact business and provide service for 90 days, and also positive net worth. Mr. Koch testified that in this case, he applied an elevated and more stringent standard than that employed in typical applications. Mr. Koch testified that, based on Mr. Hixson's testimony, the business plan provided in Rebuttal Exhibit H-2, the pro-forma financial statement provided in Rebuttal Exhibit H-3 and the line of credit provided in Rebuttal Exhibit H-4, RES has the necessary financial ability to operate as a competitive provider of E-911 services in Illinois. The evidence was not controverted by any party. Mr. Koch testified that Staff had no objection to Applicant's technical, financial, and managerial resources and abilities. [Applicant's Brief on Exceptions, III.A.]

He added, however, that in this case there was no mechanism in place for transition to another provider at a moments notice if Applicant ceased operations.

He said that even if another provider could be compelled to take over, it was not known how long it would take or at what cost. E9-1-1 traffic is all emergency related and service is dependent upon the reliability of its telecommunications infrastructure. If the provider ceases operations, the E9-1-1 system becomes useless and a community loses a vital resource. Mr. Koch stressed that posting a surety bond with each ETSB with which Applicant contracts is part and parcel to Applicant satisfying the financial standard, because it would ensure that an ETSB had the necessary funds to meet a gap in service if Applicant could not meet its service obligations. The proceeds of a surety bond payable to the ETSB operating an E9-1-1 system would cover the cost of re-establishing service with another carrier. Mr. Koch acknowledged that he was uncertain what the dollar amount of such a bond would be because total costs were not known, but any bond amount should be determined in consultation with Staff. It should also be posted prior to Applicant providing service in a given area and a copy should be filed with the Commission's Telecommunications Division. Mr. Koch testified that his recommendation of a surety bond requirement was irrespective of Applicant's overall financial condition. He added that an ETSB could impose a surety bond requirement on Applicant during contract negotiations.

Mr. Koch recommended a separate proceeding to investigate the viability and propriety of offering competitive E9-1-1 services, but added that this recommendation was not related to Applicant's financial condition. He said that the certificates should be granted, but certain issues would have to be addressed before Applicant began operations. He admitted that he did not analyze the financial impact upon the Applicant from any resulting delay.

Staff argued that Commission Dockets 98-0505 (ICG Telecom Group), 97-0116 (Covad Communications Company), and 03-0779 (City of Naperville) support its claim that the Commission can impose conditions if they are directly related to any of the standards and if Applicant's past or present conduct indicates that, without adherence to the condition, Applicant would not meet one or more of the certification standards. Staff argued that because the Commission is also obligated to implement the 9-1-1 Act and establish uniform, simplified statewide standards to shorten the time for emergency response, it has discretionary authority to impose reasonable conditions on telecommunications carriers.

Mr. Koch acknowledged that he applied a subjectively higher standard to Applicant than he did to traditional CLEC applications, because of the uniqueness of the application. He said the quantifiable standards he employed included review of the Balance Sheet, Income Statement, and Statement of Cash Flow, the same types of documents he examines for most applications. He testified that in traditional CLEC applications, the applicant must demonstrate sufficient cash to transact business and provide service for 90 days and also positive net worth. [Applicant's Brief on Exceptions, III.A.] He emphasized that

his concern is how well funded the company is in terms of equity and ability to borrow.

#### Testimony of Ms. Schroll

Ms. Schroll testified that Applicant had met the criteria for certification, however she had reservations about Applicant providing service, because it will be operating only as a competitive 9-1-1 system operator. Since the Telecommunications Act of 1996 did not provide any exceptions for 9-1-1 services, even though such services were available elsewhere in the country, she was concerned about how this would affect the provision of 9-1-1 services in the future. Ms. Schroll was also concerned that Illinois has no regulatory scheme in place for competitive 9-1-1 carriers. For these reasons she said the Commission should initiate a separate docket to investigate the following: (1) establishing a carrier of last resort to provide competitive 9-1-1 services if a CLEC fails; the Commission must protect the 9-1-1 infrastructure by establishing such a carrier to ensure that services will continue; (2) whether ILECs' should be required to file tariffs taking into account this new competitive offering, since ILEC tariffs do not offer 9-1-1 network elements to CLECs on a retail, wholesale, or UNE basis; (3) the pricing of 9-1-1 network elements, insofar as there is no rate structure in place for the provision of the necessary elements; and (4) the legality and propriety of allowing competitive 9-1-1 services.

Ms. Schroll asserted that the Commission should approve Ramsey's Application, but Applicant not be allowed to operate as a 9-1-1 provider until the Commission initiates a new proceeding to resolve the issues enumerated above. She admitted that there is no provision for a carrier of last resort if an ILEC fails, but added that Section 13-406 of the Act (220 ILCS 5/13-406) prohibits a telecommunications carrier from discontinuing or abandoning service until the Commission determines that there is no deprivation of customer service and nothing contrary to the public interest. Ms. Schroll stated that a different standard applies to Applicant than an incumbent carrier, because the 30-day notice requirement is very little time to try and correct a situation where Applicant fails to provide service. She testified that even though statutes contain provisions for carriers ceasing operations, there may not be a carrier of last resort. This was the basis for her recommendation to analyze this application pursuant to the Emergency Telephone System Act (50 ILCS 750/0.01 et seq.). Since there are no competitive 9-1-1 carriers in Illinois, it seemed appropriate to set a standard for this particular situation.

Ms. Schroll testified that that the four entities currently providing 9-1-1 services in Illinois, SBC Illinois, Verizon North and Verizon South, Gallatin River, and Illinois Consolidated Telephone Company, provide much of the project management and infrastructure necessary to implement and maintain the 9-1-1 network, selective routing, and database management for 206 9-1-1 systems in Illinois. These are the only entities in Illinois that have purchased selective

routers, the switch necessary to route 9-1-1 calls. Selective routers may cost up to \$500,000, which may deter smaller ILECs from investing.

Ms. Schroll stated that she was aware that some incumbent carriers such as SBC Illinois have contracted for services to unregulated entities such as Intrado, but she was unable to say whether, if such entities ceased providing service, the risk would be the same as if Applicant ceased providing service. Ms. Schroll testified that she had no idea how long it would take SBC Illinois to provide Intrado's services if Intrado ceased operations or if any bond requirement had been placed on SBC Illinois regarding the services subcontracted to Intrado.

Ms. Schroll testified that she was aware that SBC Illinois used components of other entities' networks to provide service. She testified that Applicant can create a network in the same manner to provide service. [Applicant's Brief on Exceptions, III.F.] She also noted that it was the responsibility of the ETSB who contracts with Applicant to evaluate the risks of doing such business. She said that because of the critical, life-saving nature of 9-1-1 service, ETSBs are required to apply to the Commission for approval to be a 9-1-1 system and must also obtain approval for the 9-1-1 system design and any modifications. The Commission is responsible for verifying that all guidelines for providing service have been met.

#### SBC Illinois' Position

#### Testimony of Mr. Valentine

Mr. Valentine testified that 9-1-1 service, when first introduced, could only deliver calls from a particular end office to a single PSAP. Enhanced 9-1-1 service ("E9-1-1") uses a selective router switch to send a call to a particular PSAP designated by a public safety agency, based upon the caller's telephone number and physical location. It is the public safety agency that determines how calls should be routed and what features will be used. Public safety agencies also determine whether a PSAP will receive an Automatic Number Identification ("ANI" or "telephone number") and ALI with the 9-1-1 call. An E9-1-1 call begins when an end-user dials 9-1-1. The call first goes to a control or end office, which sends it to the 9-1-1 selective router over end office-to-selective router trunks, or A Links. The control office queries the selective routing database and depending upon the caller's ANI, determines which PSAP receives the call. Calls are routed to the PSAP over router-to-PSAP circuits, or B Links. E9-1-1 providers also require large databases to render service and frequent updates to end-user data is stored in multiple databases that work together. A E9-1-1 database contains the necessary information to process calls, such as the end-user telephone number, name, address, and class of service.

Mr. Valentine testified that in order to provide effective E9-1-1 service, Applicant would need to assume responsibility in such functional areas as end

office-to-selective router trunking, E9-1-1 selective routing, E9-1-1 database updates, service ordering/provisioning, back-up PSAPs, and private switch/automatic location identification including trunking options and record updates.

Mr. Valentine sponsored SBC Illinois Exhibit 1.03, Staff Data Request 1.06, which asked Applicant to describe in detail contingency plans to ensure service is uninterrupted in the event Applicant cannot meet its obligations. He stated that SBC was concerned by Applicant's response that it was unsure what was meant by the phrase "unable to meet its obligations as a 9-1-1 system provider", and that Applicant had also stated that it would "...comply with NENA standards for contingency plans to prevent service interruption...and would perform regular backups and provide redundant facilities." Mr. Valentine testified that this answer fails to clarify what planning Applicant has done to address a service interruption. Mr. Valentine's testimony was based upon Applicant's initial response to Staff Data Request 1.06 submitted on July 14, 2004. On August 13, 2004, Applicant submitted a Supplemental Response to Staff Data Request 1.06, which was provided to Staff, but was not provided to SBC because Applicant deemed the information confidential and proprietary.

Mr. Valentine also testified that Applicant said it planned to purchase on a UNE basis from IXC's and ILEC's the elements necessary to provide A-links. He said it remains unclear to SBC Illinois whether Applicant understands current network interconnection from CLEC's and wireless carrier switches into the E9-1-1 selective routers of incumbent 9-1-1 providers. Applicant would be responsible to arrange for CLEC's and wireless carriers to facilitate delivery of E9-1-1 calls from end offices to Applicant's selective router.

Mr. Valentine also sponsored SBC Illinois Exhibit 1.04, SBC Data Requests 16(a) and (b), wherein SBC Illinois asked how Applicant would manage the transition of 9-1-1 calls by end users from SBC Illinois to Applicant. He said that Applicant's response referred to SBC Illinois Exhibit 1.05, Staff Data Request 1.15, in which Applicant stated it "will convert systems per NENA standards and provide competent, expert management to coordinate with the existing provider." Applicant added that "as agent for the ETSBs, it will work with the existing providers to transfer order and update processing in an orderly manner." Mr. Valentine testified that the response fails to indicate whether Applicant has operational support systems that CLEC's, ILEC's, private switch operators, and wireless service providers can use to place orders for 9-1-1 end office-to-selective router network elements or for private switches, the trunks needed to deliver 9-1-1 calls to Applicant's E9-1-1 selective router. The response also fails to inform SBC Illinois how it will interface with Applicant to provide customer record information. He stated that operational support and ordering systems need to be developed, in place, and fully operating for end users of CLEC's and wireless providers to reach 9-1-1. Mr. Valentine's testimony was based upon Applicant's initial response to Staff Data Request 1.15 submitted on July 14,

2004. On August 13, 2004, Applicant submitted a Supplemental Response to Staff Data Requests 1.15 and 1.16. Mr. Valentine's testimony addressed the Supplemental Response to Staff Data Request 1.15, but not 1.16. [Applicant's Brief on Exceptions, IV.D.] Mr. Valentine contended that Furthermore, none of the NENA recommendations provided by Mr. Ramsey that are applicable to data exchange, protocols for data exchange, ALI response and GIS Mapping, and glossary of 9-1-1 terms, address the questions in SBC Illinois Exhibits 1.04 and 1.05.

Mr. Valentine elaborated that Applicant addresses only the transition of E9-1-1 database responsibilities, not the processes Applicant will need to share with ILECs, CLECs, private switch operators, and wireless carriers who will need to be informed of network provisioning methods necessary to access Applicant's 9-1-1 system.

Mr. Valentine explained that a split exchange occurs when local carrier's exchange is located in two separate counties or municipalities served by two separate PSAPs or 9-1-1 systems offered by different providers. He added that it is a common occurrence, but special routing and network design is necessary to ensure that end users' calls are routed to the correct 9-1-1 provider. Mr. Valentine sponsored SBC Illinois Exhibit 1.05, Staff Data Request 1.14, which asks Applicant to describe in detail how it would manage split exchanges and how it would manage calls across LATA boundaries. Applicant failed to answer the first question and answered the second by stating, "...Applicant seeks status as an IXC to deliver cross LATA solutions." He characterized the second answer as nonresponsive and noted that Applicant had provided the same reply in SBC Illinois Exhibit 1.04. He testified that Applicant's responses raise doubts about its capability to provide E9-1-1 service in areas with split exchanges and SBC Illinois wants to ensure that any transition of E9-1-1 service for its end users is properly coordinated with the new provider. The responses referred to above in response to Staff Data Request 1.14 was from Applicant's initial responses to Staff; on August 13, 2004, Applicant provided Supplemental Responses which were not quoted by Mr. Valentine. [Applicant's Brief on Exceptions, IV.D.]

Mr. Valentine testified that selective routing involves the mechanized determination of the proper PSAP to which E9-1-1 callers are to be routed. He sponsored SBC Illinois Exhibit 4, SBC Illinois Data Request 16, in which Applicant was requested to provide information on how it would ensure during conversion that there would be no service outage to end users serviced by an ETSP or PSAP. Applicant's response was the same as in SBC Illinois Exhibit 1.05. Applicant's response to SBC Data Request 16 referred SBC to Applicant's response to Staff Data Request 1.15, which was supplemented on August 13, 2004. [Applicant's Brief on Exceptions, IV.D.] Mr. Valentine stated he knew of no NENA standards that apply to the transition of 9-1-1 services and that further explanation from Applicant is necessary. He also sponsored SBC Illinois Exhibit 1.06, Staff Data Request 1.22, which asked Applicant to describe how it intends

to handle default routing and congestion control. Applicant replied that, “default routing and congestion control will be designated by the ESN defined in the selective router” and that “at an ‘all busy condition’, applicant will route traffic to the backup PSAP or back to the Telco for 7-digit delivery.” The responses referred to above in response to Staff Data Request 1.22 was from Applicant’s initial responses to Staff; on August 13, 2004, Applicant provided a detailed Supplemental Response which was not quoted by Mr. Valentine. [Applicant’s Brief on Exceptions, IV.D.] Mr. Valentine testified that Illinois Administrative rules do not permit 9-1-1 calls to be routed to 7-digit numbers over the Public Switched Network. The answer left unclear how Applicant would route 9-1-1 traffic back to the local exchange carrier.

Mr. Valentine testified that database updates involve submission of service order updates of changes to end user 9-1-1 records, based on service order activity. He sponsored SBC Illinois Exhibit 1.07, Staff Data Request 1.01, which required Applicant to describe how it would interface with each telecommunications carrier to retrieve database updates. Applicant replied that it would “accept updates in the manner prescribed by the Applicant’s customers (9-1-1 entities).” Mr. Valentine stated that SBC Illinois believed that it was Applicant’s responsibility, not its customers, to negotiate with telecommunications carriers to establish how they will interface to retrieve database updates. The responses referred to above in response to Staff Data Request 1.01 was from Applicant’s initial responses to Staff; on August 13, 2004, Applicant provided a detailed Supplemental Response which was not quoted by Mr. Valentine. [Applicant’s Brief on Exceptions, IV.D.]

Mr. Valentine sponsored SBC Illinois Exhibit 1.04, SBC Illinois Data Requests 16 (a) and (b), which require Applicant to explain how it would manage the transition of 9-1-1 services for its ETSB customers from SBC Illinois. Applicant reiterated its reply in SBC Illinois Exhibit 1.05. Applicant’s response to SBC Data Request 1.05 referred to Applicant’s answer to Staff Data Request 1.15, which was supplemented on August 13, 2004. [Applicant’s Brief on Exceptions, IV.D.] He next sponsored SBC Illinois Exhibit 1.08, Staff Data Request 1.27, which asked how would Applicant physically interconnect with other telecommunications providers and Applicant replied that it would “utilize demarcation points and cross connects.” This testimony referred to Applicant’s initial response to Staff Data Request 1.27, which was supplemented on August 13, 2004. [Applicant’s Brief on Exceptions, IV.D.] Mr. Valentine sponsored SBC Illinois Exhibit 1.04, SBC Illinois Data Request 17, which asks what procedures RES would use to issue requests for disconnection of existing 911 networks and E-911 under ANI/ALI/SR billing rate how a transition would be accomplished. [See SBC Illinois Data Request 17] Applicant responded that “project management duties for disconnection of existing 9-1-1 networks and E9-1-1 include E9-1-1 Circuit Identification and verification of current circuit delivery by ILEC and use of Service Order Change Processing (M-A-C’s).” Applicant added that it would “have LOA’s/Letters-Of-Authority’s Signed with ETSBs to act on

their behalf for Service Charges.” Mr. Valentine testified that each of these responses leaves part of the question unanswered. The locations of demarcation points and cross connects are not specified and procedures for issuing requests to CLECs being migrated are not provided. Applicant also alludes to Service Order Change Processing without specifying what this would entail. It is unclear from the answers whether Applicant has operational support and ordering systems consistent with industry standards. Such systems are essential for CLECs to place orders as part of providing 9-1-1 service.

Mr. Valentine testified that while Applicant indicated its willingness to negotiate network facilities through interconnection agreements, it failed to provide specific ordering procedures for the CLECs, ILECs, and private switch operators using PS/ALI and wireless service providers who would be migrated if Applicant receives certification.

Mr. Valentine stressed the necessity of back-up PSAPs in situations where the primary PSAP is swamped with calls. A back-up PSAP can also receive rerouted calls from a primary PSAP if the primary is disabled or isolated from the E9-1-1 network. Mr. Valentine sponsored SBC Illinois Exhibit 1.04, SBC Illinois Data Request 19, which asked Applicant to explain how calls would be managed in systems where the back-up PSAP is in a different county or the customer is served by another 9-1-1 provider. Applicant responded that “back-up PSAP is within a different County served by the same Selective Router/Tandem. Is accomplished by Alternate Routing Translations Inherent to Switch and delivered by Assigned Call delivery Network B-links & PSAP Position Data Delivery” and that “another E9-1-1 Service Provider will be accomplished by similar means, through auxiliary trunk delivery network design.” Mr. Valentine testified that meaning of the term “auxiliary trunk delivery network design” is not readily apparent and does not convey a clear understanding of the question or the issues involved. Applicant should explain its answer further.

Mr. Valentine testified that many private switch operators in Illinois must implement the means of providing station-level automatic location information for their users into the 9-1-1 databases of the providers. All 9-1-1 providers offer Private Switch/Automatic Locator Identification (“PS/ALI”). The provider is determined by which 9-1-1 database serves the ETSB and its PSAPs. A private switch operator may opt to establish two CAMA-signaling trunks from the switch to the selective router of the 9-1-1 database/service provider, or establish an ISDN Primary Rate Interface circuit to the serving end-office of the private switch. With PS/ALI service, a private switch operator can either send 9-1-1 calls from its station users to the E9-1-1 selective router over CAMA-signaling trunks. PS/ALI service also includes a mechanized means for switch operators to submit updates of its station-level ALI records to the 9-1-1 service provider’s database.

Mr. Valentine sponsored SBC Illinois Exhibit 1.09, Staff Data Request 1.10, which asked Applicant to describe how it would handle PS/ALI records from

businesses that have private switches. Applicant responded that “entities providing PS/ALI will contact the 9-1-1 entity (ESTBs; Applicant’s customers) and coordinate with the Applicant in the same manner as the existing 9-1-1 providers, SBC Illinois and Verizon.” Applicant objected to a similar question in SBC Illinois Exhibit 1.04, SBC Illinois Data Request 15, on the grounds that it required disclosure of confidential and competitive information.

Mr. Valentine testified that it is unclear to SBC Illinois whether Applicant comprehends its responsibility as a 9-1-1 provider to make PS/ALI service available to private switch operators. Applicant’s responses fail to address contracts between private switch operators and 9-1-1 database providers that will be voided when Applicant begins to administer an E9-1-1 database for ETBs serving private switch operators. He added that Applicant also does not seem to be aware that it will have to contractually negotiate new PS/ALI agreements with private switch operators, arrange processes for receiving station-level record updates, and negotiate agreements for trunks to link private switches to the selective router. Applicant’s responses further fail to indicate it understands that it would, as a 9-1-1 provider, work with third-party PS/ALI firms that centrally manage PS/ALI updates for private switch operators. He stressed that this is critical to database integrity because private switch operators must load the station-level records and updates into the 9-1-1 database serving their county or municipality.

#### St. Clair County’s Position

#### Testimony of Mr. Forshee

Mr. Forshee testified that in his capacity as the 9-1-1 coordinator for the St. Clair County Emergency Telephone System (“St. Clair”), he has become familiar with Applicant’s services. Mr. Forshee testified that Applicant has been providing on-site equipment maintenance and CML software maintenance for St. Clair County’s 9-1-1 system. In talks with Applicant’s President and CEO, Mr. Ramsey, Mr. Forshee testified that St. Clair has tested Applicant’s database product with St. Clair’s data and find it acceptable and satisfactory. [Applicant’s Brief on Exceptions, V.B.] St. Clair has reviewed Applicant’s plans for selective routing, ALI routing database, and error correction services, all of which appear to be better than the current service. [Applicant’s Brief on Exceptions, V.B.] Mr. Forshee noted that since Applicant’s database will be local, St. Clair would not likely suffer from the ALI outages they currently experience with the database being hundreds of miles away. He added that St. Clair has tested Applicant’s remote ALI database and MSAG maintenance systems with its own data and found them to work well.

Mr. Forshee testified that with Applicant’s router, St. Clair would have full back-up capabilities across multiple 9-1-1 systems, multiple counties, and multiple areas served by local exchange carriers. St. Clair has received better

and more timely technical information from Applicant than it has from its current provider, SBC, and the response time to requests for technical information has been better with Applicant than with either SBC Illinois or Verizon.

Mr. Forshee further testified that Applicant's service has been timely, accurate, and responsive, and its technical Staff appears to be highly knowledgeable. He pointed out that St. Clair changed 9-1-1 maintenance services from Verizon to Applicant because of dissatisfaction with Verizon's responsiveness, attitude, and cost. In addition, when there are changes in the providers for a particular area, the changes are not made within a reasonable time frame even after repeated requests. Moreover, St. Clair's yearly MSAG comparisons between the PSAP online database and that stored by SBC Illinois show considerable differences. St. Clair has also experienced database problems with both Verizon and SBC Illinois regarding exchanges that cross boundaries.

Mr. Forshee testified that the Applicant has been following NENA standards, while the current provider, SBC, does not follow NENA standards, even though it participated in the drafting of the standards. [Applicant's Brief on Exceptions, V.B.]

#### Commission Analysis and Conclusions

This matter comes before the Commission upon application by Ramsey Emergency Services, Inc. to provide competitive E9-1-1 services to ETSBs and PSAPs in individual counties in Illinois, pursuant to Sections 13-403, 13-404, and 13-405 of the Act. We note foremost that there does not appear to be any statute, rule, or regulation that ~~prohibits directly addresses whether~~ a telecommunications carrier ~~from providing may or may not legally provide~~ competitive E9-1-1 services in Illinois. 50 ILCS 750/2.18 states that "'System provider' means the contracted entity providing 9-1-1 network and database services." Section 15.4 (50 ILCS 750/15.4) establishes the powers and duties of an ETSB. The statute ~~delegates authority to the ETSBs to design and implement E9-1-1 plans and to contract for services to implement the plans. is silent on the issue of the legality of competitive E9-1-1 services. Without a statutory guide, we are in limbo regarding the legal propriety of the services Applicant proposes to offer.~~ Section 8 (50 ILCS 750/8) delegates to the Commission the responsibility ~~for coordinating the implementation of the systems proposed by ETSBs.~~ [Applicant's Brief on Exceptions, V.B.]

The prospect of competitively offering E9-1-1 services is, from our perspective, a matter of far greater importance than the mere offering of local or interexchange retail service to customers. E9-1-1 service makes emergency, lifesaving protection available to every individual in even the most remote corners of the state. It further helps to safeguard residential and commercial property, protecting against the risk of loss of home or business. It is an indispensable

lifeline for every individual present within Illinois. Since this is our first look at an application for competitive E9-1-1 services in Illinois, and because of the dire nature of the services to be offered, we have given Applicant's technical, financial, and managerial resources and abilities a far more stringent look than we would an applicant in a routine telecommunications certificate matter.

Staff expressed concern that if Applicant ceased operations and there was no mechanism in place for transition to another provider, the E9-1-1 system becomes useless and a community loses vital services. (Staff Exh. 1.1 at 4). We have reviewed and analyzed the positions advanced by each party concerning the various pros and cons of allowing competitive E9-1-1 service. ~~and we keep coming back to Staff's concern.~~ Staff's remedy was to require Applicant to post a surety bond, thereby making certain that funding at least would be available to meet a gap in service. Applicant balked, pointing out that it had already provided sufficient evidence of its financial abilities and resources. The principal question remains, however, what would the result be if Applicant were unable to provide the service for which they were certificated? While the bond requirement may provide for a smoother transition to another provider, it would not itself effect such a transition or guarantee that service would continue uninterrupted. ~~The risks highlighted in this docket by Applicant's proposed services are enormous.~~ The consequences if E9-1-1 service were unavailable for the briefest span of time to the smallest geographic area could be catastrophic. ~~However, there is nothing in the record to suggest that RES will abandon service. Furthermore, the Commission finds that the legislature has already provided an answer to the question raised by Staff. 220 ILCS 5/13 provides that it is illegal to discontinue service without providing the Commission at least 30 days notice and the Commission has the authority to prohibit the discontinuance or abandonment and require the continuation of service. We find Mr. Koch's testimony that the Applicant has sufficient financial resources to provide service for 90 days to be pertinent. In addition, 22 ILCS 5/4-501 provides for the appointment of a receiver for telecommunications companies which cannot continue to provide service and 220 ILCS 5/4-502 provides an accelerated mechanism for the acquisition of a telecommunications carrier by a "capable public utility." Thus, the legislature has already provided the necessary mechanisms to prevent discontinuance of service. [Applicant's Brief on Exceptions, III.D.]~~

The Commission agrees with Staff that the current E9-1-1 service providers in Illinois, SBC Illinois, Verizon North and Verizon South, Gallatin River, and Illinois Consolidated Telephone Company, are large entities with significant infrastructure investments, and with proven track records and substantial resources not shared by Applicant. (Staff Init. Br. at 16-17). In alluding to the enormity of the financial resources of the current E9-1-1 providers, Staff has reminded the Commission that the possibility of economic failure among the existing E9-1-1 providers is remote at best. The Commission has no concerns that any one of these companies would experience financial difficulties to the extent that it could not provide E9-1-1 service uninterrupted. ~~The same cannot~~

~~be said for Applicant. However, the Commission finds that it would be improper to compare the limited nature of the services to be offered by Applicant to the wide range of services offered by the incumbent providers and that the business to be conducted by Applicant will require less capital investment, fewer customers and less risk of uncollectible receivables. Thus, the Commission finds that the satisfaction of the elevated standards employed by Staff in evaluating the Applicant's financial qualifications, combined with the finding that the nature of the business to be conducted by Applicant is less risky and more stable than that of a current provider offering a full range of voice and data services, causes us to conclude that the prospect of Applicant experiencing financial difficulties is remote at best.~~ [Applicant's Brief on Exceptions, III.E.] Furthermore, ~~To highlight our concern,~~ we note that Applicant stated that as a contingency to ensure that service would not be uninterrupted, it would perform regular backups and provide redundant facilities. Applicant added:

If the question was intended to ask about a potential failure of the network component of the 9-1-1 system, it would either build or purchase on a UNE basis from the ILECs, then the redundant facilities (Applicant) will provide will include alternate routing of the 9-1-1 calls to ensure uninterrupted service. It's the exact same technique utilized by 9-1-1 system providers at the present time. (Applicant) will have the same ability to re-route calls over the network as the ILECs presently providing service. Whether the network is owned by (Applicant) or components are ordered from an ILEC on a UNE basis, the same network with the same redundant capabilities will be used. Consequently, the risk to the citizens of Illinois will not be any greater than that experienced right now." (Applicant Exh. 3.0 at 14-15).

~~This is the crux of the problem. It does not appear to the Commission that "...the exact same technique utilized by 9-1-1 system providers at the present time" will be available to Applicant, based upon the evidence Applicant offered in support of its financial abilities. A review of the Applicant's financial data indicates that it is certainly a viable business, but it is not nearly in the same financial league as the current E9-1-1 providers. The disparity between Applicant's resources and those of the current E9-1-1 providers does not invite a favorable comparison. We do not mean to suggest that the provision of E9-1-1 services by the existing providers is completely without risk, but Staff effectively made the point that these incumbents have the financial resources to build and maintain existing infrastructure. They also have proven track records that significantly allay our concerns regarding continuity of service.~~ [Applicant's Brief on Exceptions, III.D.]

Applicant intends to provide a system based on facilities it will construct and purchased and leased unbundled network elements, as each circumstance dictates. Ms. Schroll testified that a selective router alone could cost up to \$500,000. (Staff Exh. 2.0 at 4). Mr. Hixson testified that the Applicant has the necessary financing in place to purchase the selective router and to make other investment in facilities to be located in the State of Illinois. He introduced Applicant Exhibit H-4 (Applicant Exhibit 5.4), a letter from the OEM provider of the selective router confirming Applicant has the necessary financing in place to purchase the selective router. His testimony was not disputed. We are not persuaded by Applicant's evidence that it will be able to purchase the selective router plus all of the remaining elements necessary to sustain uninterrupted service. [Applicant's Brief on Exceptions, III.B.] Incumbent providers of E-911 services utilize their own networks and order network elements on a UNE basis from other carriers to route emergency telephone calls and there is no reason the Applicant cannot do the same. Unlike some of the present providers of E-911 services that subcontract services such as database management to other, unregulated companies, the Applicant, which is subject to the jurisdiction of the Commission, will be constructing facilities in Illinois and providing its own database management. [Applicant's Brief on Exceptions, III.F.]

~~Furthermore, Applicant may not have the resources necessary to grant time for transition of service, even if it would be able to foresee that it can no longer operate as it intends. Moreover, Applicant's intention to create its system by UNE purchases lends an ad hoc quality to this application that we also find disconcerting. Applicant's intent is that it not only will purchase or lease what it does not have from an existing provider, it will have no difficulty doing so. What is missing is a precise list of those elements and a budget or some other identifier that would allow us to conclude that Applicant knows what its bottom-line expenditures will be. Applicant's approach appears to us to be vague and ill-defined at best. Applicant also appears to be getting in over its head financially. This could have catastrophic results and subject the residents of a particular area to a considerable degree of risk. We will not require people to bear such a burden. [Applicant's Brief on Exceptions, III.F,G.]~~

~~The sufficiency of Applicant's answers to Staff [Applicant's Brief on Exceptions, IV.C.] and SBC Illinois data requests is another area of concern to the Commission. Mr. Valentine's testimony is replete with examples of responses lacking sufficient detail, containing incomplete explanations, or expressing a lack of technical knowledge. [Applicant's Brief on Exceptions, IV.D.] Applicant replied in the form of Mr. Ramsey's rebuttal testimony (Applicant Exh. 3.0 at 13 et seq.). Mr. Ramsey stated that there would be no difficulty transitioning service from SBC Illinois to Applicant unless SBC Illinois refused to cooperate (Id. at 15). He added that Applicant had described in detail in its supplemental answers to Staff Data Requests 1.15 and 1.16 how the transitioning would be handled. Mr. Ramsey then states:~~

~~(Applicant) will, of course, need to have the network elements in place prior to conversion. The interconnection with SBC would be the same type of interconnection SBC has with other E9-1-1 service providers, LECs and CLECs. The receipt and updating of ALI records would be the same as between SBC and 9-1-1 service providers.” (Id. at 16).~~

~~This response raises the same overriding issue. What would the consequences be if Applicant did not have the network elements in place prior to conversion? [Applicant’s Brief on Exceptions, IV.E.] We regard as ludicrous the notion that SBC Illinois would not cooperate during a service transition. [Applicant’s Brief on Exceptions, IV.A.,D.] Mr. Ramsey’s testimony signifies to us, however, that Applicant again does not so much possess its own technical knowledge as it will rely on the current provider. Our concern then becomes what may occur after the transition when Applicant is left to its own devices to remedy technical deficiencies. The vagueness and lack of definition in Applicant’s approach surfaces again. We will reiterate as often as necessary that consequences of inestimable severity could ensue if even a brief gap in E9-1-1 service occurs. Allowing Applicant to provide such service under these circumstances is too perilous and uncertain to allow. [Applicant’s Brief on Exceptions, III.F,G.]~~

~~As the current provider of E9-1-1 telephone service, SBC was granted intervention in this docket. However, we note that, as Mr. Ramsey testified, SBC is also Applicant’s competitor. As such, it is not surprising that SBC posed extensive questions regarding Applicant’s technical ability to provide service. We would not expect SBC to endorse Applicant’s technical abilities. We find that Applicant’s supplemental responses to Staff Data Requests, as well as Mr. Ramsey’s Revised Rebuttal Testimony and Surrebuttal Testimony, satisfied the Commission Staff that Applicant has the requisite technical ability and that Applicant adequately answered the questions posed by SBC. [Applicant’s Brief on Exceptions, IV.C.,D.]~~

~~RES’ track record in providing the same emergency telephone services to ETSBs and counties in several states that it seeks to provide in Illinois is the best evidence that RES has the ability to provide the services. It is not theoretical or speculative; it is factual. Mr. Ramsey testified that for more than four years, RES has provided emergency telephone services to 39 ETSBs in four states. RES provided Staff with the names, addresses, telephone numbers and contact names of 23 ETSBs currently served by RES in order to allow Staff to verify the accuracy of the information provided by RES. Staff’s testimony is void of any indication that the representations made by RES are in any way incorrect. Based upon this evidence, RES clearly has the technical ability to provide telecommunications services as a 9-1-1 provider in Illinois. [Applicant’s Brief on Exceptions, III.A.]~~

We find the testimony of Mr. Forshee to be significant evidence of Applicant's technical ability to provide service. As Coordinator for the St. Clair County ETSB, Mr. Forshee has had actual experience with Applicant's services and found them to be an improvement over the previous provider. His testimony that Applicant's database product was actually tested with St. Clair's data and found to be acceptable and satisfactory is compelling evidence. We also find that the fact that Applicant is compliant with NENA standards is an indication that it has the knowledge, expertise and technical ability to provide emergency telephone services. [Applicant's Brief on Exceptions, IV.B.]

No issues were raised regarding Applicant's managerial abilities and resources and we see nothing in our examination of the record that would call its business qualifications into questions. This is not, however, enough to overcome our doubts and objections concerning Applicant's financial and technical qualifications. Additionally, any weight we are inclined to accord to Mr. Forshee's testimony is tempered by the fact that his knowledge of Applicant's services is obviously based upon simulated exercises. While there may be some merit to this, we are tempted to conclude that such exercises were performed under very controlled, if not optimum, conditions and could not fairly or accurately reflect Applicant's actual E9-1-1 service.

We conclude that ~~because of Applicant's~~ has the requisite financial, technical and managerial qualifications to provide telecommunications services as a ~~and technical deficiencies, and our inability to conclude that competitive E9-1-1 provider services can legally be offered to any extent in Illinois, and~~ this application should be ~~granted~~denied.

There was no opposition to the Applicant's request for waivers of 83 Illinois Administrative Code Parts 710, 735, 735.180, 725.205(a)(6), 725.205(d), 725.210(e) and 725.500(o). Applicant adequately explained its requests in its Application and in the testimony of Mr. Ramsey (Applicant Exhibit 1.0, pgs.4-6) and accordingly, the requests should be granted.

The Commission, having reviewed the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) Ramsey Emergency Services, Inc., an Iowa corporation authorized to transact business in Illinois, seeks a Certificate of Interexchange Service Authority; a Certificate of Service Authority; and a Certificate of Exchange Service Authority to provide competitive E9-1-1 services in Illinois;
- (2) the Commission has jurisdiction over the Applicant and the subject matter herein;

(3) ~~Applicant does not possess, p~~Pursuant to Sections 13-403, 13-404, and 13-405 of the Act, the Applicant has sufficient managerial, technical and financial resources and abilities to provide competitive E9-1-1 services in Illinois;

(4) The waivers of 83 Illinois Administrative Code Parts 710, 735, 735.180, 725.205(a)(6), 725.205(d), 725.210(e) and 725.500(o) requested by Applicant should be granted.

~~(4)(5)~~ the application should be granted~~denied~~.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the application of Ramsey Emergency Services, Inc. to provide E9-1-1 services in Illinois pursuant to Sections 13-403, 13-404, and 13-405 of the Act be, and is hereby, granted~~denied~~.

IT IS FURTHER ORDERED that the waivers of 83 Illinois Administrative Code Parts 710, 735, 735.180, 725.205(a)(6), 725.205(d), 725.210(e) and 725.500(o) requested by Applicant be and are hereby, granted.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

DATED:  
BRIEFS ON EXCEPTIONS DUE:  
REPLY BRIEFS ON EXCEPTIONS DUE:

November 30, 2004  
December 14, 2004  
December 21, 2004

John T. Riley,  
Administrative Law Judge